

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DAVID HENRY CROWEL, <i>et ux.</i> ,)	
Plaintiffs)	
v.)	No. 3:06-cv-060
CITY OF MADISONVILLE, <i>et al.</i> ,)	
Defendants)	

ORDER

For the reasons set forth in the Memorandum Opinion this day passed to the Clerk for filing, it is hereby ORDERED that defendants' motion for summary judgment [Doc. 23] be, and the same hereby is, GRANTED IN PART and DENIED IN PART whereby the court takes the following actions:

(1) This lawsuit is DISMISSED WITH PREJUDICE as to all causes of action against the following defendants:

(a) The City of Madisonville, Tennessee;

(b) All of the individual police officers to the extent they have been sued in their official capacities; and

(c) All unknown police officers;

(2) Plaintiffs' § 1983 claims for excessive force are DISMISSED WITH PREJUDICE as to all remaining defendants;

(3) Plaintiffs' § 1983 action for their arrest without probable cause is DISMISSED WITH PREJUDICE only against defendants Daniel Dockery, Kevin Peak, and Chris Wilburn, acting in their individual capacities; and

(4) Plaintiffs' state law claims for assault and battery are DISMISSED WITHOUT PREJUDICE as to all defendants.

Consequently, the only claims remaining for trial are plaintiffs' § 1983 claims for their arrest without probable cause against defendants James D. Bivens and John R. Wilburn, acting in their individual capacities.

E N T E R :

s/ Thomas W. Phillips
UNITED STATES DISTRICT JUDGE